IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 791 OF 2006

Mr Palaniappan Manivelan ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. Satish L. Maneshinde for the applicant.
Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 23rd March 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has been arrested in connection with C.R. No.3 of 2006 registered by Anti Corruption Bureau, Worli, Mumbai for the offence punishable under sections 13(1)(d), 13(2) of the Prevention of Corruption Act read with section 109 of the Indian Penal Code.

3. The applicant is in custody since 22/1/2006. More than 60 days have elapsed yet, admittedly, charge-sheet has not been filed. The present application has been filed for bail on merits, yet, since, admittedly, charge-sheet has not been filed

within a period of 60 days, there is indefeasible right created in favour of the applicant and he is entitled to be released on bail in view of the provisions of section 167(2) of the Criminal Procedure Code.

4. Under these circumstances, it is not necessary to go into the merits of the case and there is no point in relegating the applicant to go before the Magistrate for the purpose of making separate application for exercising the said indefeasible right created under section 167(2) of the Criminal Procedure Code.

5. The applicant, therefore, be released on bail in the sum of Rs 25,000/- with one or two sureties in the like amount. The learned APP has submitted that the investigation is still going on and stringent condition be imposed on the present applicant. The applicant shall not leave the country without permission of the Court and shall not leave the City of Mumbai for a period of two months. The applicant shall report to the Investigating Officer as and when he is called. The Investigating Officer to give him 24 hours notice and he should be called between 11.00 a.m. and 5.00 p.m. The applicant, initially, may

furnish cash surety for the amount of Rs 25,000/- and to furnish surety within a period of two weeks thereafter. The applicant shall deposit his pass-port with the Investigating Officer.

6. Application is disposed of accordingly.

V.M. KANADE, J.